

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

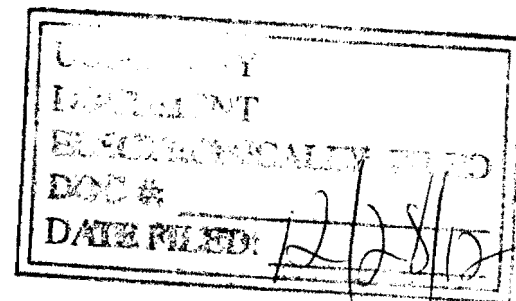
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SECURITIES INVESTOR PROTECTION :
CORPORATION, :
:

Plaintiff, :

-v- :

BERNARD L. MADOFF INVESTMENT :
SECURITIES LLC, :

Defendant. :



12 MC 115 (JSR)

ORDER

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In re: :

MADOFF SECURITIES :
:

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PERTAINS TO THE FOLLOWING CASE: :
:

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IRVING H. PICARD, :

Plaintiff, :

-v- :

12 Civ. 6733 (JSR)

ERIC T. SCHNEIDERMAN, as successor to :
ANDREW M. CUOMO, Attorney General of :
the State of New York; BART M. :
SCHWARTZ, as Receiver for ARIEL FUND :
LTD. and GABRIEL CAPITAL, L.P.; DAVID :
PITOFKY, as Receiver for ASCOT :
PARTNERS, L.P. and ASCOT FUND, LTD.; :
J. EZRA MERKIN; and GABRIEL CAPITAL :
CORPORATION, :

Defendants. :

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JED S. RAKOFF, U.S.D.J.

Defendants Eric Schneiderman, Attorney General of the State of New York, Bart M. Schwartz, as receiver for the Ariel and Gabriel Funds, David Pitofsky, as receiver for Ascot Partners, J. Ezra Merkin, and the Gabriel Capital Corp. have moved to withdraw the reference to the Bankruptcy Court of the adversarial proceeding brought against them by Irving H. Picard ("the Trustee"), the trustee of Bernard L. Madoff Investment Securities LLC ("Madoff Securities") appointed pursuant to the Securities Investor Protection Act ("SIPA"), 15 U.S.C. § 78aaa et seq. Defendants seeks withdrawal of the reference on four issues relating to the Trustee's request for a stay and motion for a preliminary injunction filed August 1, 2012 in the bankruptcy court, which seeks to enjoin the consummation of a settlement among the above-named defendants on causes of action against Ezra Merkin and his funds. After carefully considering the parties' written submissions and oral argument, the Court hereby grants the defendants' motion to withdraw the reference on all issues. An opinion explaining the reasons for this ruling will issue in due course. Counsel are directed to jointly call Chambers no later than January 4, 2013 to set a schedule for briefing on the merits of the Trustee's claims.

The Clerk of the Court is hereby ordered to close item number 1 on the docket of 12 Civ. 6733.

SO ORDERED.

Dated: New York, New York
December 27, 2012


JED S. RAKOFF, U.S.D.J.